

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Bernardo Reyes,

NO. C 08-04606 JW

Plaintiff,

v.

Premier Home Funding, Inc., et al.,

Defendants.

**ORDER VACATING PRELIMINARY  
PRETRIAL CONFERENCE; SETTING  
HEARING ON ANTICIPATED MOTION  
FOR DEFAULT JUDGMENT; SETTING  
CASE MANAGEMENT CONFERENCE AS  
TO THIRD PARTY COMPLAINTS AND  
CROSS-CLAIMS**

This case is scheduled for a Preliminary Pretrial Conference on June 28, 2010. The parties submitted a Joint Pretrial Conference Statement. (See Docket Item No. 109.) In their Joint Statement, Plaintiff represents that he has reached a settlement with Defendant Wachovia Mortgage. (See id. at 2.) Plaintiff has not settled with Defendant Premier Home Funding (“Premier”) as this Defendant is currently in default, and the various cross-claims at issue in this case have not settled. (Id.) The Clerk has entered default as to Defendant Premier. (Docket Item No. 30.) In light of the partial settlement of the case and Plaintiff’s anticipated motion for default judgment against Defendant Premier, the Court finds good cause VACATE<sup>1</sup> the Preliminary Pretrial Conference and orders as follows:

- (1) On or before **July 19, 2010 at 9 a.m.**, Plaintiff and Defendant Wachovia shall appear for an Order to Show Cause re: Settlement. On or before **July 9, 2010**, the parties

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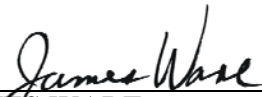
<sup>1</sup> The Court DENIES as moot Third Party Defendant The Escrow Forum’s request to appear by telephone at the June 28 Conference. (See Joint Statement at 3.)

1 shall either file a Stipulated Dismissal or a Joint Statement informing the Court as to  
2 the status of their settlement. If the parties require additional time to reduce their  
3 settlement to a writing, the parties shall specify the time required.

4 (2) As to the Third Party Complaints (Docket Item Nos. 92, 111) and any cross-claims  
5 (Docket Item Nos. 76, 90), the Court sets **July 19, 2010 at 10 a.m.** as an Initial Case  
6 Management for this part of the case. On or before **July 9, 2010**, the relevant parties  
7 shall file a Joint Case Management Statement. The Joint Statement shall include a  
8 good faith discovery plan as to how the case should proceed and a schedule that  
9 includes a proposed date for the close of all discovery.

10 (3) Finally, while the Court's September calendar is full, the Court specially sets a  
11 hearing on **September 20, 2010 at 9 a.m.** on Plaintiff's anticipated Motion for  
12 Default Judgment against Defendant Premier. Plaintiff shall file and notice his  
13 anticipated Motion in accordance with the Civil Local Rules.

14  
15 Dated: June 24, 2010

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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9 **Dated: June 24, 2010**

**Richard W. Wieking, Clerk**

10 **By: /s/ JW Chambers**  
11 **Elizabeth Garcia**  
12 **Courtroom Deputy**